



Applicants:	Cary B. Cochenour and Craig G. Cochenour	Group Art Unit: Examiner:	3739 M.P. Straightiff
Serial No.	10/785,555	Confirmation No.	8139
Title:	Patient Activated Temperature- Controlled Surface	Attorney Docket No. 040073	

DECLARATION OF CRAIG G. COCHENOUR
Under 37 C.F.R. § 1.131

I, Craig G. Cochenour, am a joint inventor of the "Patient Activated Temperature-Controlled Surface" that is disclosed and claimed in the above-captioned Application. I am a pharmacist. Beginning in 1981, I have dispensed medication and health support aids to the geriatric public.

In 1990 my family purchased a female terrier dog. Eventually, the terrier became a geriatric canine. As with geriatric human beings, the geriatric canine population also suffers from arthritis and other musculoskeletal maladies.

Each year my son participates in an elementary school science fair. The parents of the children are encouraged to help their child with the project. The science fair culminates in a competition among the participants and is held in late February or early March of each year. The school science fair committee advises each participant and parent(s) to start early on their project. The science fair committee requires the participants to submit a working model of the invention. Since we participate each year in the annual elementary science fair, my son and I are very aware that plenty of time is needed well in advance of the actual date of the science fair competition to first conceive of an invention and then to prepare a working model of the invention. My son and I were focused on inventing something that would be helpful for our

aging terrier. My minor son, Cary B. Cochenour, and I conceived the invention disclosed and claimed in the above-captioned Application on or before January 11, 2003. My personal handwritten calendar for January 2003 shows January 11, 2003 as the day that my minor son, Cary, and I discussed the invention. A true copy of my personal handwritten calendar for the month of January, 2003 is attached as Exhibit A. I keep a personal calendar for each month of the year, and I have kept such a monthly calendar for each year for the past seventeen years. As shown on Exhibit A, January 11, 2003 bears an entry "Cary Science Project" indicating that we discussed the invention at least as early as January 11, 2003. I submit that at least as early as January 11, 2003, the invention was conceived by me and my joint inventor. The conception date on or before January 11, 2003 is a date: (i) prior to the October 7, 2004 publication date of "Park" U.S. Patent Application Publication No. 2004/0195227, and (ii) prior to the January 15, 2003 filing date of the "Park" Provisional Application 60/440,306, relied upon by the Examiner.

My conception of the invention, that is disclosed and claimed in the above-captioned utility Application, was then followed by a diligent reduction to practice in January and February 2003. Exhibit A shows my personal calendar entries for continued work on the invention in January 2003 as follows: (i) January 18, 2003 "Cary Project", and (ii) January 25, 2003 "Project". Exhibit B, attached hereto, is a true copy of my personal handwritten calendar for February, 2003. Exhibit B shows continued entries for work on the invention as follows: (i) February 1, 2003 "Project", (ii) February 8, 2003 "Science Project", and (iii) February 15, 2003 "Finish Project". Exhibit C shows a copy of my family's credit card receipt (account number redacted) dated February 7, 2003 wherein the "Sunbeam" heating pad was purchased for my invention's model construction. Exhibit D shows a copy of my family's credit card receipt (account number redacted) dated February 19, 2003 for purchase of safety pins that were used in

model construction for securing the "Sunbeam" heating pad (i.e. the temperature source capable of supplying heat) in juxtaposition to the floor of the patient activated temperature controlled surface or of the animal bed. Further, Exhibit D shows the purchase of photographic film for use in taking photographs of the finished model of my invention. I submit that all of the above show evidence demonstrating a diligent reduction to practice following conception of the idea of my invention.

On February 28, 2003, Cary B. Cochenour and I filed Provisional Patent Application No. 60/450,859 for our invention and to which the above-captioned utility Application claims the benefit of priority thereto. This evidences diligent preparation and filing of the Application. The above-captioned utility patent Application (Serial No. 10/785,555) was filed by Cary B. Cochenour and me on February 24, 2004, and discloses and claims the invention disclosed and claimed in Provisional Patent Application No. 60/450,859. The model of the invention was displayed at the science fair held on the evening of February 28, 2003 at Scull Elementary School, Brush Hill Road, Irwin, PA 15642.

I declare that the foregoing is true and correct, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Date: April 26, 2005



Craig G. Cochenour



2003 January

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
December 2002				1 1/364 New Year's	2 2/363	3 3/362	4 4/361
January 2003				OFF		Dad's House (Explor. Food)	Mountain pillar Explor. Food
January 2003	5 5/360	6 6/359 Ellie C-P-A Ellie C-P-A	7 7/359 IP 12 Pretty Kenya Bus Explor. Food	8 8/357	9 9/356	10 10/355 CABIN S (main) C-P-A	11 11/354 Strech TV game Pencils ML 355
February 2003	12 12/353	13 13/352 9pm - 6:15pm Shampoo	14 14/351	15 15/350 PAZAM	16 16/349 CARRY TEST	17 X 17/348	18 18/347 PAZAM PROJECT
March 2003	19 19/346	20 20/345 Martin Luther King, Jr. Day (US) NO School Holiday	21 21/344	22 22/343	23 23/342 MONDO CFC KIDS Hawaii	24 24/342 Teleconference 12:00 PLI Seasun quacc	25 25/340 PROJECT ANEBAL
April 2003	26 26/339	27 27/338 9:30 AM 10:45 AM None	28 28/337 9 off	29 29/336 8:30 AM	30 30/335 Pitt Tech Coastal MFK brief 745-932 PAYDAY	31 31/334 Pitt MFG mfg C-P-A	Tea Here

EXHIBIT A

2003 February

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
January 2003 S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28						
February 2003 S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	2 33/32 30 M 34/331 SLEEP PM WCC 2 6 V.D. C	4 35/330 IPersonal 12:00 GOT A Family PM C	5 36/329 Anniversary of the Constitution (M) Dug UPN Jame. 11:45 FUPN C	6 37/328 T.M. JAN 10:00 Kicks F.SANNER C	7 38/327 Project 9:30 AM 6:00 PM 10:00 Kicks F.SANNER C	1 32/333 Chinese New Year Project 9:30 AM 6:00 PM 10:00 Kicks F.SANNER C
March 2003 S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	9 40/325 10 41/324 100% HATRED C 11/19	11 42/323 (Eid al Adha C SICK	12 43/322 Lincoln's Birthday (US) C SICK	13 44/321 CAMP C	14 45/320 Valentine's Day (C, UK, US) F.B. 10:00 2PM-8:00 C	15 46/319 Project Finish BEGIN
April 2003 S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	16 47/318 17 48/317 Presidents' Day (US)	18 49/316 2 SICK 9:30 AM C	19 50/315 C SICK	20 51/314 NOON Lunch Poker Club (Dug Upn)	21 52/313 C 10:00 C	22 53/312 Washington's Birthday (US)
May 2003 S M T W Th F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	23 54/311 24 X 55/310 Flag Day (M) 100% Lunch	25 56/309 C 8:30 Meeting 3:00 ATA-GA-CE	26 57/308 8:30 Meeting 3:00 ATA-GA-CE	27 58/307 D.U. Br-Meting 10:00	28 59/306 Science FAIR @Seull 10:00	29 60/305 Tear Down

EXHIBIT B



*Right there with you*SM
STORE # 6048

8775 NORWIN AVE
NORTH HUNTINGDON, PA 15642
(724)863-9074

YOUR CASHIER TODAY IS SONNIE
ASSOC #06863 REG #005 DRAWER #1
TRANS #04180 TYPE #01 STORE #6048
NORMAL SALE

404662 CHIPS AHoy	2.50
540310 SUNBEAM HEAT PAD	23.99
TOTAL	26.49
CREDIT CARDS	16.49

** THANK YOU FOR SHOPPING AT ECKERD **
** 1-800-ECKERDS www.eckerd.com **

I AGREE TO PAY THE ABOVE TOTAL
AMOUNT ACCORDING TO THE CARD
ISSUER AGREEMENT.

Customer Signature

February 07, 2003 08:06 PM

EXHIBIT C

PICTURE PERFECT

GIANT EAGLE Store # 0010

Your Cashier Today was Mary R

	PHOTO FINISHING	AC	6.99	T
	PHOTO FINISHING	AC	8.99	T
	PHOTO FINISHING	AC	8.99	T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18-T	
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18-T	
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18-T	
	SAFETY PINS		1.89	T
SC	PHOTO FINISHING		1.00	
SC	PHOTO FINISHING		1.00	
SC	PHOTO FINISHING		1.00	
	*** SUBTOTAL		28.63	
	TAX		1.72	
	*** BALANCE		30.35	

VISA 30.35

VISA 30.35
CHANGE 0.00
TOTAL NUMBER OF ITEMS SOLD = 7

YOUR GIANT EAGLE SAVINGS TODAY
CARD & STR CPNS \$ 12.54
TOTAL SAVINGS (30 pct.) \$ 12.54

2/19/03 03.29pm 10 90 43 908

EXHIBIT D

Go to gianteagle.com to learn about card benefits and helping schools through Apples For The Students.

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